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CITY AND COUNTY OF SAN FRANCISCO,

9 SAN FRANCISCO AIRPORT,

10 SAN FRANCISCO POLICE DEPARTMENT,

JAMES CUNNINGHAM,

11 ELIZABETH MARON, AND

RICHARD PATE

12 UNITED STATES DISTRICT COURT

13 NORTHERN DISTRICT OF CALIFORNIA

14 SAN FRANCISCO DIVISION

16 RAHINAH IBRAHIM, an individual,

17 Plaintiff,

18 vs.

19 DEPARTMENT OF HOMELAND
20 SECURITY et al.,

21 Defendants.

Case No. C06-0545 WHA

~~PROPOSED~~ ORDER AUTHORIZING
DISCOVERY OF CONFIDENTIAL
CRIMINAL HISTORY
INFORMATION IN THE POSSESSION
OF DEFENDANT CITY AND COUNTY
OF SAN FRANCISCO
[STIPULATED]

22 Date Action Filed: January 27, 2006

23 Trial Date: April 12, 2010

Pursuant to Federal Rule of Civil Procedure 26(c) the parties have met and conferred and stipulate as follows:

2. Plaintiff Rahinah Ibrahim contends, *inter alia*, that the San Francisco Defendants unlawfully searched and seized her in violation of the Fourth Amendment of the United States Constitution. The San Francisco Defendants contend that their search and seizure of Ibrahim was lawful or that qualified immunity applies. During the subject incident, San Francisco police officers contend they received and considered certain state summary criminal history information in determining what actions to take regarding Ibrahim. This information, reflected in a document in the possession of the City and County of San Francisco, may be relevant to whether San Francisco Defendants' actions were lawful. It is therefore discoverable, and good cause exists for its discovery.

3. Section 11142 of the California Penal Code makes it a misdemeanor to disclose state summary criminal history information to a person who is not authorized to receive such information. However, under section 11140 of the California Penal Code, a court may authorize persons to receive such information. Because good cause exists for discovery of the state summary criminal history information received by San Francisco Defendants during the subject incident, the parties respectfully request that the Court authorize the parties to this action to obtain that information in discovery.

4. State summary criminal history information produced in this action should be treated as confidential information subject to the terms of the Stipulated Protective Order in this action.

5. The term "state summary criminal history information" as used herein is a statutorily defined term. Its use is not intended to suggest that Plaintiff Rahinah Ibrahim has engaged in any criminal activity.

1 IT IS SO STIPULATED.

2 Dated: Sept. 29, 2009

McMANIS FAULKNER

3
4 By:

Elizabeth Pipkin
ELIZABETH PIPKIN, Esq.

5 Attorneys for Plaintiff
6 RAHMAN IBRAHIM

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8 Dated: Sept 29, 2009

ARNOLD & PORTER LLP

9
10 By:

Sharon Douglass Mayo
SHARON DOUGLASS MAYO, Esq.

11 Attorneys for Defendants
12 U.S. INVESTIGATIONS SERVICES, INC.
and JOHN BONDANELLA

13 Dated: Sept 29, 2009

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15 By:

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16 Attorneys for Defendants
17 CITY AND COUNTY OF SAN FRANCISCO,
18 JAMES CUNNINGHAM, ELIZABETH MARON,
19 AND RICHARD PATE
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ORDER

Pursuant to stipulation, and good cause appearing, the Court orders as follows:

1. The parties to this action are authorized to receive state summary criminal history information that any of the San Francisco Defendants may have received during the incident that is the subject of this lawsuit.

2. Any state summary criminal history information produced by Defendant City and County of San Francisco shall be treated as confidential information subject to the terms of the Stipulated Protective Order in this action.

IT IS SO ORDERED.

DATED: October 1, 2009

